

# COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



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## COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

### NOTICE OF INTENT TO AMEND AND ADOPT RULES

#### TO ALL INTERESTED PARTIES:

Notice is hereby given by the Composite State Board of Medical Examiners ("Board") that it intends to amend Chapter 360-6, entitled "Acupuncture," by amending rule 360-6-.11, entitled "License Renewal." An exact copy of the proposed amendments are attached to this Notice.

This notice, together with an exact copy of the proposed amendments and a synopsis of the proposed amendments are being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Composite State Board of Medical Examiners, 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than September 22, 2006 or make comments at the public hearing. Comments may be directed to Diane Atkinson, Composite State Board of Medical Examiners, 2 Peachtree Street, NW, 36<sup>th</sup> Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at [matkinson@dch.ga.gov](mailto:matkinson@dch.ga.gov).

A public hearing is scheduled to begin at 9:25 a.m., or immediately following the 9:20 hearing, whichever occurs later, on October 6, 2006 at the 36<sup>th</sup> Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on January 13, 2006 and May 5, 2006 and intends to adopt the attached rules at its meeting on October 6, 2006, after the conclusion of the public hearing, at the 36<sup>th</sup> Floor Board Room, 2 Peachtree Street, NW, Atlanta, GA 30303.

The authority for promulgation of these rules is O. C. G. A. §§ 43-1-4, 43-1-31, 43-34-24.1, 43-34-63, 43-34-67 and the specific statutes cited in the proposed rules. This Notice is adopted and posted in compliance with O.C. G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rule and an economic impact statement are attached to this Notice.

Date:

8/28/06

Signed:

LaSharn Hughes

Executive Director

Composite State Board of Medical Examiners

ECONOMIC IMPACT AND SYNOPSIS FOR  
AMENDMENTS TO CHAPTER 360-6  
ACUPUNCTURE

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Acupuncture Act of Georgia, Title 43, Chapter 34 of the Official Code of Georgia Annotated. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 3 of Chapter 34, of the Official Code of Georgia Annotated, the Acupuncture Act of Georgia. Additionally, it is not legal or feasible to meet the objectives of the Acupuncture Act of Georgia to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

360-6-.11 License Renewal.

Purpose: The purpose of the proposed amendments are to provide for birth month renewals, to provide and to allow a service member a six-month grace period in which to renew his/her license expired while the service member was on active duty.

Main Features: The proposed amendment provides for birth month renewal commencing with the 2007-2008 biennium and provides for a prorated renewal fee for those licenses that are in effect for less than two years during the 2007-2008 biennial renewal period. The amendments make clerical changes to paragraph (2) in order to implement birth month renewals. The amendments also allow a service member a six-month grace period in which to renew his/her license expired while the service member was on active duty.

The differences between the existing rules and the proposed amendments to the rules are shown below: (The lined-through text is proposed to be deleted and underlined text is proposed to be added.)

360-6-.11 License Renewal.

(1) All licenses issued pursuant to the Act shall be renewed on a biennial basis. Applicants who are approved for renewal of their licenses that expire on December 31, 2006 will be issued a license that will be set to expire between January 31, 2008 and December 31, 2008. The license will expire on the last day of the month in which the applicant's birthday falls. The application fee will be prorated, in accordance with a fee schedule established by the Board, for those whose licenses are renewed for less than a two-year period during the 2007-2008 biennium. Thereafter, each succeeding license

must be renewed biennially by the last day of the month in which the applicant's birthday falls.

(2) Failure to renew a license by the ~~deadline of December 31, 2002, and every two (2) years thereafter,~~ expiration date shall result in a penalty for late renewal as required by the Board.

(3) Licenses not renewed within three (3) months of expiration shall be administratively revoked for failure to renew and shall be posted to the public and posted on the Board's website.

(4) Notwithstanding the provisions of paragraph (3) of this Rule, any service member as defined in O.C.G.A. § 15-12-1 whose license expired while serving on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member must present to the Board a copy of the official military orders or written verification signed by the service member's commanding officer to waive any charges.

(4) (5) To be eligible for renewal, a licensee must furnish satisfactory evidence of having met Board approved continuing education requirements and/or active certification by the NCCAOM.

(5) (6) Licensees must submit a notarized document, devised and approved by the Board, acknowledging that they have read, understand and are familiar with the Centers for Disease Control and Prevention (CDC) guidelines for preventing the transmission of the Human Immuno-deficiency virus, Hepatitis B and C and other infectious diseases.

(6) (7) Licensees are subject to audit to determine compliance with the continuing education requirements as stipulated in rules promulgated by the Board.

(7) (8) Failure to maintain continuing education requirements is a basis for non-renewal and revocation of license issued pursuant to the Act.

Authority O.C.G.A. Secs. 43-1-4, 43-1-31, 43-34-24.1, 43-34-63, 43-34-67